

STATE BOARD OF EDUCATION

STATE OF GEORGIA

L. B.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2000-35
	:	
BULLOCH COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by L. B. (Student) from a decision by the Bulloch County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to suspend him until the end of the 1999-2000 school year after finding him guilty of striking and threatening a school teacher in the classroom. The Student complains on appeal that the teacher should have been disciplined. The Local Board's decision is sustained.

On March 15, 2000, the Student tripped a teacher in the classroom and then struck the teacher in the stomach. The Student made threats of further physical harm to the teacher before being restrained. A student disciplinary tribunal found him guilty of striking the teacher and suspended him until the end of the 1999-2000 school year. The Local Board upheld the tribunal's decision when the Student appealed. The Student then filed an appeal to the State Board of Education.

On appeal to the State Board of Education, the only issues raised by the Student are that the teacher was not disciplined, and the teacher should have handled the situation differently. Whether the teacher needed to be disciplined was irrelevant to the student disciplinary tribunal since it did not have jurisdiction to consider any such discipline. Instead, the only issue before the tribunal was whether the Student struck the teacher, which the Student admitted doing.

The Student also complains that three photographs of the Student were not included in the record that was before the Local Board. The photographs were of bruises the Student incurred in his encounter with the teacher. The photographs go to the actions taken by the teacher, not the actions taken by the student. The absence of the photographs while the appeal was before the Local Board was harmless because the photographs did not establish nor refute the Student's guilt or innocence.

Based upon the foregoing, it is the opinion of the State Board of Education that Local Board properly confined its review to the Student's guilt or innocence and there was evidence to support the Local Board's decision to suspend the Student until the end of the 1999-2000 school year. Accordingly, the Local Board's decision is

SUSTAINED.

This _____ day of August 2000.

Bruce Jackson
Vice Chairman for Appeals